



# CITY OF WEST LAFAYETTE

## Office of the City Engineer

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Mr. Robert Hayes  
Heitman  
191 North Wacker Dr. Suite 2500  
Chicago, IL 60606

March 8, 2010

RE: **CITY OF WEST LAFAYETTE  
CUMBERLAND AVE. RECONSTRUCTION, PH. 1**

**LAND ACQUISITION  
PARCEL No. 19 – SH POOL, A Peppermill Village, LLC**

Mr. Hayes,

The City has completed a review of the valuation information provided by Mr. Richard Correll of Correll Services, and would like to respond with our findings. We have also reviewed previous concerns regarding setbacks and signage, and would like to respond in writing to those as well.

### Setbacks:

The attached exhibit was prepared to show the future setbacks of the subject property. The east property line setback includes a 40' acquisition and will allow a setback of 60' which meets zoning and thoroughfare plan requirements. The south property line setback includes a 15' acquisition and will create a 25' building setback. The 25' south building setback is considered conforming under the zoning ordinance (§5-1-6A) and future construction / re-construction inside the 25' BSL would meet setback requirements along Cumberland Avenue.

### Signage:

The existing signage appears to be conforming with the setback requirements. Any new signage or replacement signage must comply with size and setback requirements of the zoning ordinance.

### Attorney & Mortgage Fees:

The City cannot pay for attorney fees or any mortgagor fees associated with the acquisition. The mortgagor may need to provide a mortgage release from the proceeds of the land acquisition and property sale.

Construction Schedule:

Phase 1 of Cumberland Ave. will take place from March 2010 through October 2010. No work will take place on Yeager Rd. All construction sequences and detours will be signed appropriately to safely route traffic and deliver emergency services.

Phase 2 of Cumberland Ave. is currently under design. The project design and construction schedule will be coordinated with the Peppermill Apartments to provide as convenient access and minimal disruptions as possible during construction.

Yeager Road Improvements:

Currently, no improvements are planned for the segment of Yeager Rd. between Cumberland Ave. and Kalberer Rd. The City's long range trails plan does include improving the existing sidewalk on the west side of Yeager into a 10' multi-use trail in the future. The proposed right of way will accommodate this project. Any future plans and project designs will be closely coordinated with the Peppermill Apartments to appropriately combine the future needs of the development with the goals of the project.

Land Valuation:

The City requested our appraiser review the land valuation information and statements reported in the Correll letter dated January 21, 2010. A valuation amount of \$1,300,000 to \$93,391 per acre is reported based on a residual value assigned to the purchase price of the subject property, however no comparable sales information is provided. Our appraisal was based on the best available comparable sales data. Without additional comparable sales information, the higher valuation figures are considered a matter of opinion. The attached calculation shows that a valuation of \$93,391 per acre would result in an acquisition offer amount of \$32,380 or \$5,530 higher than the City's original offer of \$26,850.

The existing area under pavement is considered an existing public easement as it has been, and is currently being used as a public street. The fact that the land owner has been paying property tax on this area is of no concern to our opinion of its value. Our offer of \$1 for this area is simply to clear up title and adheres with standard practices of the City and the Indiana Department of Transportation. No additional compensation can be provided for this area.

The City acknowledges that the owner's opinion of value on the subject property is higher than the City's appraisal. Often, such discrepancies in valuation of property can only be solved in litigation. However, to avoid the significant additional costs of litigation to both you and the City, we are able to offer an administrative settlement amount of \$5500 which is the maximum amount authorized by the Board of Public Works and Safety without proceeding to litigation.

Therefore, in order to proceed in a timely manner with the acquisition process and ultimately the construction of the public road improvements, the City is willing to provide a revised offer in the total amount of \$32,380.

Please respond to this letter at your earliest convenience as to the owner's acceptance or rejection of the proposed revised offer. The City will immediately issue a revised offer packet upon the Owner's acceptance. The City will need to proceed with condemnation proceedings after thirty (30) days from the date of this letter in order to maintain our project schedule.

Thank you for your attention to this matter. Please feel to contact me if you have any questions or need any additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "D.M. Buck". The signature is fluid and cursive, with the first name "D.M." and the last name "Buck" clearly distinguishable.

David M. Buck, PE  
City Engineer

Enclosures    - Building Setback Exhibit  
                  - Calculation Adjustment

Cc:     Eric Burns, City Attorney  
         Brandon Fulk, The Schneider Corp.  
         File